



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/766,457	01/28/2004	Carina Horn	RDID03021US

Brent A. Harris  
 Roche Diagnostics Corporation  
 9115 Hague Road, Bldg. D  
 Indianapolis, IN 46250



CONFIRMATION NO. 3170  
 FORMALITIES LETTER



\*OC000000012991901\*

Date Mailed: 06/18/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

07/26/2004 SDIRETA1 00000025 022356 10766457

FILED UNDER 37 CFR 1.53(b)

01 FC:1051 130.00 DA

*Filing Date Granted*

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

*L. Chan*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

**FEE TRANSMITTAL  
FOR FY 2004**

Effective 01/01/2003. Patent fees are subject to annual revision.

**Complete if Known**

Application Number	10766,457
Filing Date	January 28, 2004
First Named Inventor	Horn et al.
Group Art Unit	TBD

Examiner Name	TBD
Attorney Docket Number	RDID 03021US (21395)

☐ Applicant claims small entity status. See 37 CFR 1.27Total Amount of Payment (\$)**210.00****METHOD OF PAYMENT**☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit  
Account  
Number

02-2958

Deposit  
Account  
Name

Roche Diagnostics Corporation

The Commissioner is authorized to: (check all that apply)

- ☐ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge any additional fee(s) during the pendency of this application,  
excluding the payment of issue fees  
☐ Charge fee(s) indicated below, except for the filing fee to the above-  
identified deposit account.

**FEE CALCULATION****1. BASIC FILING FEE**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1001	770	2001	385	Utility Filing Fee	
1002	340	2002	170	Design Filing Fee	
1003	530	2003	265	Plant Filing Fee	
1004	770	2004	385	Reissue Filing Fee	
1005	160	2005	80	Provisional Filing Fee	
SUBTOTAL (1) (\$)					

**2. EXTRA CLAIM FEES**

		Extra Claims	Fee From Below	Fee Paid
Total Claims	-20** =		X	
Independent Claims	-3** =		X	
Multiple Dependent				

Large Entity	Small Entity	Fee Description
Fee Code	Fee Code	Fee (\$)
1202	2202	9 Claims in excess of 20
1201	2201	43 Independent claims in excess of 3
1203	2203	145 Multiple dependent claim, if not paid
1204	2204	43 **Reissue independent claims over original patent
1205	2205	9 **Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee Code	Fee (\$)	Fee (\$)
1051	2051	65 Surcharge - late filing fee or oath	130.00
1052	2052	25 Surcharge - late provisional filing fee or cover sheet.	
1053	1053	130 Non-English specification	
1812	1812	2,520 For filing a request for <i>ex parte</i> reexamination	
1804	1804	920* Requesting publication of SIR prior to Examiner's Action	
1805	1805	1,840* Requesting publication of SIR after Examiner's Action	
1251	2251	55 Extension for reply within first month	
1252	2252	210 Extension for reply within second month	
1253	2253	475 Extension for reply within third month	
1254	2254	740 Extension for reply within fourth month	
1255	2255	1,005 Extension for reply within fifth month	
1401	2401	165 Notice of Appeal	
1402	2402	165 Filing a brief in support of an appeal	
1403	2403	145 Request for oral hearing	
1451	1451	1,510 Petition to institute a public use proceeding	
1452	2452	55 Petition to revive - unavoidable	
1453	2453	665 Petition to revive - unintentional	
1501	2501	665 Utility issue fee (or reissue)	
1502	2502	240 Design issue fee	
1503	2503	320 Plant issue fee	
1460	1460	130 Petitions to the Commissioner	
1807	1807	50 Petitions related to provisional applications	
1808	1808	180 Submission of Information Disclosure Stmt	
8021	8021	40 Recording each patent assignment per property (times number of properties)	80.00
1809	2809	385 Filing a submission after final rejection (37 CFR 1.129(a))	
1810	2810	385 For each additional invention to be examined (37 CFR 1.129(b))	
1801	2801	385 Request for Continued Examination (RCE)	
1802	1802	900 Request for expedited examination of a design application	

Other Fee (specify)

\* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)**210.00****SUBMITTED BY**

Name (Print/Type)

Brian L. Smiler

Registration No.

46,458

Signature

Attorney/Agent

Telephone

(317) 521-3295

Date

July 22, 2004

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent application of: ) Before the Examiner: TBD  
)  
Horn et al. ) Group Art Unit: TBD  
)  
Serial No. 10/766,457 ) Date: July 22, 2004  
)  
Filed: January 28, 2004 )  
)  
Fluorimetric determination of analytes by an )  
intramolecular quencher-fluorophore conjugate )

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF  
NON-PROVISIONAL APPLICATION FILED UNDER 37 CFR 1.53(b)  
FILING DATE GRANTED**

MAIL STOP: MISSING PARTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

On January 28, 2004, the above-identified patent application was filed by Express Mail with an unsigned Declaration and Power of Attorney. In response to the Notice to File Missing Parts of Application mailed June 18, 2004, Applicant encloses herewith the fully executed Declaration and Power of Attorney, along with payment of \$130 for the late declaration surcharge (\$130). A copy of the Notice to File Missing Parts of Non-Provisional Application is also enclosed herewith.

No additional fees are believed to be necessary, however, should any fees be deemed required, the Commissioner is authorized to charge such fees to Deposit Account 02-2958, but is not to include any payment of issue fees.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

July 22, 2004

Date of Deposit

Marsha Breen

Name of Registered Representative

Marsha Breen  
Signature

Respectfully submitted,

Brian L. Smiler

Reg. No. 46,458

Roche Diagnostics Operations, Inc.

9115 Hague Road

Indianapolis, IN 46250

(317) 521-3295

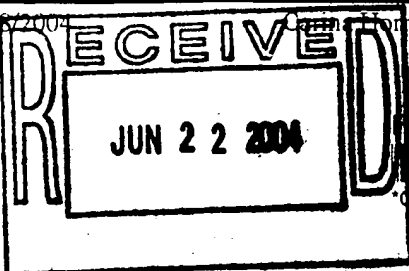
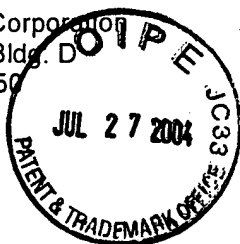


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PART 1 - ATTORNEY/APPLICANT COPY